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PATENT
Atty. Docket No. STK-071
(7557/41)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rueger et al.

SERIAL NUMBER: Continued Prosecution Application of U.S.S.N. 08/822,186 GROUP NUMBER: 1646 (Prior Application)

FILING DATE: herewith EXAMINER: D. Romeo (Prior Application)

TITLE: Improved Osteogenic Devices and Methods of Use Thereof for Repair of Endochondral bone and Osteochondral Defects

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231
Box CPA

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references listed on the accompanying PTO Form 1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Please note that these references correspond to those submitted in a Supplemental Information Disclosure Statement in the parent application (U.S.S.N. 08/822,186) on November 24, 1998. Copies of the references are, therefore, not enclosed in accordance with 37 C.F.R. § 1.98(d).

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
- ☐ the requisite Certification is attached hereto, **OR**

- ☐ the requisite fee under Rule 1.17(p), namely **\$240.00**, is included herein, or
- ☐ (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
- ☐ Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, **AND**
- ☐ the requisite Certification, is attached hereto, **AND**
- ☐ the requisite petition fee due under Rule 1.17(i)(I), namely **\$130.00** is included herein.

It is respectfully requested that each of the documents shown on the attached form PTO-1449 be made of record in this application.

CERTIFICATION

As required under §1.97(e), Applicants, through the undersigned, hereby certify either that [check the appropriate space]:

- ☐ 1. [E]ach item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application **not more than** three months prior to the filing date of the Statement; or
- ☐ 2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this Certification after making reasonable inquiry, was known to **any** individual designated in §1.56(c) **more than** three months prior to the filing of the Statement.


FEE AUTHORIZATION

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

Date: January 27, 1999
Reg. No. 41,670

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